

REMARKS

Applicants have received the Office Action dated May 13, 2008, in which the Examiner: 1) rejected claims 17-19 and 21-25 as allegedly directed to non-statutory subject matter; 2) lodged a provisional double patenting rejection of claims 1, 17 and 23 over claim 12 of co-pending application Serial No. 10/684,207; 3) rejected claims 1, 3-5, 8-10, 12-19 and 21-25 as allegedly unpatentable over Bolin et al. (U.S. Pat. No. 5,664,146, hereinafter "Bolin") in view of Kanai et al. (U.S. Pub. No. 2002/0152181, hereinafter "Kanai"); and 4) rejected claims 6 and 7 as allegedly unpatentable over Bolin in view of Kanai and further in view of Carlson et al. (U.S. Pub. No. 2004/0044862, hereinafter "Carlson").

With this Response, Applicants amend claims 17 and 22-25. Reconsideration is respectfully requested.

I. DOUBLE PATENTING REJECTION

Given the provisional nature of the double patenting rejection, Applicants respectfully decline to take any action until such time as rejection is non-provisional.

II. SECTION 101 REJECTIONS

The Office action rejects claims 17-19 and 21-25 as allegedly directed to non-statutory subject matter. With this Response, Applicants amend the claims to address the rejections, and not to define over the cited art.

III. ART-BASED REJECTIONS

A. Claim 1

Claim 1 stands rejected as allegedly obvious over Bolin and Kanai.

Bolin is directed to a graphical user communications interface for an operator in a manual data storage library. (Bolin Title). In particular, Bolin discloses a manual system, where mounting (physically placing) and unmounting (physically removing) magnetic tapes from tape readers is performed by a human as specifically instructed on a graphical user interface.

Thus, a librarian workstation 15 is provided as an integral part of the manual data storage library 16.

(Bolin Col. 7, lines 44-46).

[A]n interactive "Action List" window 193 is preferably always displayed on screen 29 to an operator. The "Action List" window 193 presents library tasks for the operator to perform.

(Bolin Col. 7, lines 63-66). The host computers 10 in the Bolin system send specific commands to the library manager, such as to eject a specific volume, or to mount a specific volume. (Bolin Col. 11, lines 21-55; Figure 6).

Claim 1, by contrast, specifically recites:

1. A method comprising:
 - obtaining information regarding a future backup from one or more backup applications for a plurality of backup jobs;
 - calculating a projected number of media for a future execution of at least one of the backup jobs using the information regarding the future backup, said calculating also comprising dividing an average historical backup size of the backup job by an average capacity of a media type associated with the backup job; and
 - presenting the projected number of media to a user.

Applicants respectfully submit that Bolin and Kanai fail to teach or suggest such a system. In particular, the hosts 10 of Bolin send specific requests to the library 16 to mount and/or unmount specific volumes (identified by serial number) in specific drives. Thus, Bolin's library 16 cannot be fairly said to "calculate a projected number of media." As for Bolin's hosts 10, and the claimed "calculating a projected number of media," the Office action states "Bolin discloses all the cartridges are used for storage of data, and are intended to be written to or read in the future." While such a disclosure regarding reading or writing all cartridges may be true (which Applicants do not admit), assuming that all cartridges can be written fails to teach, suggest or even imply "calculating a projected number of media for a future execution." Thus, even if the teachings of Kanai are precisely as the Office action suggests (which Applicants do not admit), Bolin and Kanai

still fail to teach “obtaining information regarding a future backup from one or more backup applications for a plurality of backup jobs; calculating a projected number of media for a future execution of at least one of the backup jobs using the information regarding the future backup.”

Based on the foregoing, Applicants respectfully submit that claim 1, and all claims which depend from claim 1 (claims 3-10 and 12-16), should be allowed.

B. Claim 15

Claim 15 stands rejected as allegedly obvious over Bolin and Kanai.

Claim 15 specifically recites, “receiving from the user a list of one or more media to be used.” In Bolin, the librarian is provided a specific list of magnetic tapes to mount and unmount. The lists of devices in Bolin’s Figure 5 are not provided by the librarian or user, but are provided to the librarian as a list of things to do. Thus, even if the teachings of Kanai are precisely as the Office action suggests (which Applicants do not admit), Bolin and Kanai still fail to teach “receiving from the user a list of one or more media to be used.”

Claim 15 depends from claim 1 and is allowable for at least the same reasons, as well as for the additional limitations therein.

C. Claim 17

Claim 17 stands rejected as allegedly obvious over Bolin and Kanai. Applicants amend claim 23 as discussed above, and not to define over any cited art.

Claim 17 specifically recites:

17. A system comprising:
 - a computer system configured to receive backup job information for a plurality of backup jobs from one or more backup applications, the backup job information includes an average historical backup size for one or more of the backup jobs;
 - a computer system configured to calculate a number of media for a future execution of at least one of the backup jobs using the backup job information, the number of media for the future execution calculated by dividing the average historical backup size of the backup job by an average capacity of a media type associated with the backup job; and

a user interface configured to present the number of media to a user.

Applicants respectfully submit that Bolin and Kanai fail to teach or suggest such a system. In particular, the hosts 10 of Bolin send specific requests to the library 16 to mount and/or unmount specific volumes (identified by serial number) in specific drives. Neither Bolin's library 16 nor hosts 10 can be fairly said to "receive backup job information for a plurality of backup jobs from one or more backup applications, the backup job information includes an average historical backup size for one or more of the backup jobs." Thus, even if the teachings of Kanai are precisely as the Office action suggests (which Applicants do not admit), Bolin and Kanai still fail to teach "a computer system configured to receive backup job information for a plurality of backup jobs from one or more backup applications, the backup job information includes an average historical backup size for one or more of the backup jobs."

Based on the foregoing, Applicants respectfully submit that claim 17, and all claims which depend from claim 17 (claims 18-19 and 21-22), should be allowed.

D. Claim 23

Claim 23 stands rejected as allegedly obvious over Carlson and Kanai. Applicants amend claim 23 as discussed above, and not to define over any cited art.

Claim 23 specifically recites:

23. A machine-readable storage medium having stored thereon sequences of instructions, which, when executed by a machine, cause the machine to:
- obtain backup job information from one or more backup applications for a plurality of backup jobs;
 - calculate a proposed number of media for one or more future executions of at least one of the backup jobs using the backup job information; and
 - present the proposed number of media to a user, wherein instructions for calculating the proposed number of scratch media comprise instructions, which, when executed by the machine, cause the machine to perform, for each backup job, divide an average

historical backup size by an average capacity of a media type associated with the backup job.

Applicants respectfully submit that Bolin and Kanai fail to teach or suggest such a system. In particular, the hosts 10 of Bolin send specific requests to the library 16 to mount and/or unmount specific volumes (identified by serial number) in specific drives. Thus, Bolin's library 16 cannot be fairly said to "calculate a proposed number of media for one or more future executions of at least one of the backup jobs." As for Bolin's hosts 10, and the claimed "calculate a proposed number of media for one or more future executions of at least one of the backup jobs," the Office action states "Bolin discloses all the cartridges are used for storage of data, and are intended to be written to or read in the future." While such a disclosure regarding reading or writing all cartridges may be true (which Applicants do not admit), assuming that all cartridges can be written fails to teach, suggest or even imply "calculate a proposed number of media for one or more future executions of at least one of the backup jobs." Thus, even if the teachings of Kanai are precisely as the Office action suggests (which Applicants do not admit), Bolin and Kanai still fail to teach to "obtain backup job information from one or more backup applications for a plurality of backup jobs; calculate a proposed number of media for one or more future executions of at least one of the backup jobs."

Based on the foregoing, Applicants respectfully submit that claim 23, and all claims which depend from claim 23 (claims 24-25), should be allowed.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Appl. No. 10/684,001
Amdt. dated July 31, 2008
Reply to Office Action of May 13, 2008

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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